

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

SCOTTSDALE INSURANCE)
COMPANY,)
Plaintiff,)
v.) JUDGMENT IN A CIVIL CASE
B & G FITNESS CENTER, INC.,) CASE NO. 4:14-CV-187-D
THOMAS G. OWENS,)
Defendants.)

Decision by Court.

IT IS ORDERED, ADJUDGED, AND DECREED that Owens is in default and a declaratory judgment is hereby entered in favor of Scottsdale Insurance Company. The court also DECLARES that the insurance policy issued by Scottsdale as Policy No. CPS 1764933 to defendant B & G Fitness Center, Inc., does not provide coverage for any damages sought or recovered against Owens by the plaintiff in Neely Pool v. B & G Fitness Center, Incorporated, doing business as B & G Fitness. and Thomas Gray Owens, Case No. 14 CVS 33, and DECLARES that Scottsdale does not owe any duty to defend Owens in connection with that suit or to indemnify Owens for any damages awarded against him in that action. Default judgment is entered in this action solely against defendant Owens. This judgment shall not affect any dispute between Scottsdale and answering defendant B & G, nor shall this judgment have any res judicata or collateral estoppel effect on this or any other dispute between Scottsdale and B & G, including but not limited to any declaratory-judgment action concerning coverage under or the language, meaning, or interpretation of the general liability policy Scottsdale issued to B&G for March23, 2013, to March 23,2014, Policy No. CPS1764933.

This Judgment Filed and Entered on September 20, 2017, and Copies To:

Robert M. Kennedy, Jr.	(via CM/ECF electronic notification)
Caroline Batchelor McLean	(via CM/ECF electronic notification)
Eric J. Remington	(via CM/ECF electronic notification)
William Joseph Austin, Jr.	(via CM/ECF electronic notification)

DATE: PETER A. MOORE, JR., CLERK

September 20, 2017 (By) /s/ Nicole Briggeman
Deputy Clerk